

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

I, H. Douglas Williams, hereafter "Affiant," being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. Your Affiant is an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and Federal Rule of Criminal Procedure 41(a)(2)(C). As a Special Agent of the Federal Bureau of Investigation (FBI), I am empowered to conduct investigations and to make arrests for federal offenses pursuant to 18 U.S.C. § 2516

2. Your Affiant has been employed by the Federal Bureau of Investigation for over 25 years and has been assigned to the Cleveland Division of the FBI for each of those 25 years. During that time, your Affiant has been assigned to investigate activities of drug trafficking organizations, drug-related gang and violent crime activities, and other criminal offenses. As a Special Agent of the FBI, your Affiant has participated in narcotics/drug enforcement, and the dismantlement of mid to upper-level drug trafficking and money laundering organizations. Your Affiant has planned and executed long-term investigative operations that have led to the disruption and dismantlement of criminal street gangs whose revenues came primarily from the trafficking and distribution of illicit drugs. Those operations have included undercover operations and Title III intercepts of criminal telephone activities.

3. Through investigation and training, I have become familiar with the types and amounts of profits made by drug traffickers and the methods, language, and terms that are used to disguise their illegal activity. I know that persons engaged in drug trafficking require expedient forms of communication to maintain an adequate and consistent supply of drugs from sources, and to effectively market those drugs to customers.

4. Your Affiant knows based on training and experiences those individuals who traffic in one controlled substances such as fentanyl and ADB-FUBINACA often traffic and possesses other controlled substances and controlled substance analogues, particularly synthetic narcotics.

5. Furthermore, based on my training and experience that individuals who engage in unlawful activity on the internet sometimes also use the expertise that they learn to engage in other criminal activity online, such as running a prostitution business.

6. This Affidavit is offered in support of a Criminal Complaint against Defendant ROY KAHN, aka BRAZIL with Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 846 and 841(a)(1). As further detailed below, your Affiant submits that there is probable cause to believe that from on or about January 2015 to the present, Defendant ROY KAHN, with others known and unknown to law enforcement, did knowingly and intentionally combine, conspire, confederate, and agree with each other to distribute and possess with the intent to distribute mixtures or substances containing a detectable amount of the following controlled substance analogues, as defined in 21 U.S.C. § 802(32), knowing that the substances were intended for human consumption, as provided in 21 U.S.C. § 813, and controlled substances:

- a. Fentanyl, a Schedule II controlled substance;
- b. Heroin, a Schedule I controlled substance;
- c. ADB-FUBINACA, a Schedule I controlled substance analogue until December 21, 2016, and a Schedule I controlled substance thereafter;
- d. FUB-AMB, a Schedule I controlled substance analogue;
- e. N-Ethyl Pentylone, a Schedule I controlled substance analogue;
- f. Suboxone, a Schedule III controlled substance

7. The facts set forth below are based upon your Affiant's personal knowledge learned through the course of the investigation as well as information obtained from law enforcement and additional sources.

8. This Affidavit is being submitted for the limited purpose of informing the court of the evidence establishing probable cause for a violation of federal criminal law. Since this affidavit is for this limited purpose, your Affiant has not included each and every fact known concerning this investigation.

FACTS AND CIRCUMSTANCES REGARDING PROBABLE CAUSE

9. The Federal Bureau of Investigation (FBI), United States Postal Inspection Service (USPIS), and other law enforcement agencies are engaged in an ongoing investigation into the KAHN Drug Trafficking Organization (DTO), a national prison drug distribution conspiracy. Defendant ROY KAHN runs this prison distribution DTO and is its chief architect.¹ The KAHN DTO distributes large amounts of opioids, cathinones, and other synthetic drugs into Bureau of Prisons (BOP) facilities across the United States disguised as attorney-client privileged mail, funeral announcements, books, and other forms of camouflage. The DTO utilizes several gangs, including the Latin Folks and G27 to distribute the drugs in the BOP facilities. At this point, the FBI estimates that there are over 145 potential inmate co-conspirators in over 50 BOP facilities across the United States. That does not include other inmates that these co-conspirators distribute to in the BOP facilities.

10. As part of its investigation, the FBI received authorization to engage in several Title III interceptions of communications, executed numerous search warrants on premises, devices, and

¹ Kahn's prior convictions include Felon in Possession of Firearm (2004); Assault (2003); Aggravated Battery With Deadly Weapon, Smuggle Contraband (1995); Grand Theft, Burglary, Burglary Tools/Possession, Resisting Officer, Larceny (1993). Sources have indicated fear of reprisal from Kahn, due to his reputation for violence.

online accounts, conducted surveillance, and issued Grand Jury subpoenas, among other investigative steps. These investigative steps confirmed both the existence of the KAHN DTO's drug distribution conspiracy and KAHN's role in the conspiracy. In addition, Affiant has learned through multiple sources who have provided accurate and corroborated information that KAHN ran the DTO for the majority of its operations.

11. On November 9, 2016, ROY KAHN received a telephone call on his phone from federal inmate ALEXANDER BERRY.² The telephone system provided KAHN with the appropriate admonishments regarding the origin of the call, and the fact that the call was being recorded.³ During the process of greeting the call recipient (KAHN), the system notified KAHN of the identity of the caller with a pre-recorded self-identification in which the caller was heard identifying himself as "ALEXANDER BERRY." KAHN then followed the recorded instructions to accept the call. After being connected, "BERRY" identified himself as "Spanky D." Spanky D then advised KAHN, "I'm calling on Three's behalf, so I can get a message to Ross." KAHN replied, "Ok," and BERRY continued, "Uh, when you talk to Ross, tell him that Spanky D got a hold of you, right? Tell him I got a situation up here with Hazelton (FCI Hazelton, West Virginia, the institution where BERRY was located at the time). KAHN said, "Ok," and BERRY continued, "...and also, let him know that... the G.D. brothers (Gangster Disciple gang members), they tryin' to say...All the B.M.'s (Black Muslims) are sayin' that they gotta take all the Latin Folks paperwork or whatever, they want all our information (other gangs want to see Latin Folk gang

² The identification of BERRY is tentative, and is based upon inmate account whose account and PIN number were used to make the call, according to the "True View" inmate data system. In this case, BERRY also identifies himself as part of a recorded greeting to the call recipient. Affiant is aware that BOP inmates often exchange their PIN numbers and accounts to avoid detection. All use of names in this affidavit are the names associated with the BOP account and should not be taken as Affiant confirming that the actual individual on the phone call is that person, but rather only that this name is associated with that account.

³ Unless otherwise indicated herein, all calls to and from a BOP facility provide admonishments that the call was being recorded.

members court papers). And I'm tryin to see if that's righteous, because if it ain't righteous I'm not honoring it. See what I'm sayin?" KAHN replied, "What, they want your paperwork?" BERRY replied, "Yeah bro, they tryin' to get all the Latin Folks paperwork and that stuff bro, and I'm tellin' them man I got this. We done been through this, y'all don't dictate what we do, you feel me?" KAHN replied, "Right." BERRY continued, "I mean if they wanna see it that's cool, but we wanna see theirs too, you know what I mean? You know, I'm just getting here (I just arrived here at FCI Hazelton). You know, Ross knows who I am, all that. You know, I'm from Chicago too, you feel me?" KAHN replied, "Alright, I'm gonna holler at him today, call me tomorrow." BERRY repeated, "You're gonna holler at him today, and call you tomorrow?" KAHN affirmed by saying, "Yes." BERRY responded, "Alright brother, I send my amor to you, ok?" KAHN replied, "Alright, amor,"⁴ and the call ended. Your Affiant believes that ROY KAHN is a leader or organizer within the "Latin Folks" gang, and that other members of that gang contact KAHN for assistance in resolving disputes with rival gangs, in this case the "Gangster Disciples" and/or the "Black Muslims." Your Affiant believes that KAHN agreed to assist BERRY with that problem, and intended to communicate with another gang leader (in this case, someone being referred to as "Ross") to help arbitrate the dispute.

12. On November 17, 2016, ROY KAHN received a telephone call on his phone (954-294-9581)⁵ from a person tentatively identified as federal inmate NICOLAS HINES. The telephone system provided KAHN with the appropriate admonishments regarding the origin of the call, and the fact that the call was being recorded. KAHN then followed the recorded instructions

⁴ Your Affiant and fellow investigators have learned that the word "amor" (which means "love" in Spanish, Portuguese, and other languages) is a salutation that KAHN and other members of the "Latin Folks" gang exchange frequently.

⁵ Affiant has repeatedly heard Kahn send and receive calls through this phone number. Additionally, sources have confirmed his use of the phone number.

to accept the call. After being connected, BERRY identified himself as "Spanky D." KAHN told BERRY, "Hey, I talked to Ross. He said he sent word over there." BERRY replied, "Yeah, I was gonna tell you, I got his kite."⁶ KAHN replied, "Ok," and BERRY continued, "So yeah, I was trying to touch base with you and let you know the business,⁷ you know what I'm saying, I got his kite and shit. Just to let you know." KAHN responded, "...and I talked to Three also." BERRY responded, "Oh, you talked to Three also?" KAHN continued, "Yeah, he said uh...basically the same thing Ross did." BERRY answered, "Yeah, yeah. I already knew that, I was just...you know what I'm sayin', I just needed some confirmation. Feel me?" KAHN answered, "Ok." BERRY replied, "...cause these dudes, they be tryin' to...cause I'm just now getting' in the system (I'm just returning to federal prison). Because I'm back on a violation. So when I got here, somebody else...you know what I'm sayin', had the order, or whatever." KAHN agreed, "Right," and BERRY continued, "So I'm just tryin' to get stuff right, get everything together, so when the other guys come down everything is straight." KAHN asked BERRY, "So are you good now?" BERRY responded, "Yeah, yeah, I'm definitely good. Hey is there any way that uh... I mean, do I gotta go through you on the phone, or does he got a line I can get at him. As far as on the email situation?" KAHN responded, "Uh, I'll get an email from him today." BERRY responded, "You'll get an email today for me?" KAHN responded, "I don't know, if he calls me. If not, what I recommend is call me on Monday, and I'll get you an email. What do want, for Ross or Three?" BERRY replied, "No, Ross. I already got one for Three." KAHN replied, "Alright, I'll get you one." They then ended the conversation by mutually giving the salutation "amor."

⁶ Your Affiant and fellow investigators believe that the inmate's statement that a "kite" had been received was a reference to a drug package that had been sent to the inmate by KAHN and his associates.

⁷ Based on your Affiant's training and experience in gang related matters, your Affiant believes the use of the word "business" is a reference to the group's efforts to earn a profit through criminal activity.

13. On November 23, 2016, ROY KAHN received a telephone call from federal inmate NICHOLAS HINES. The telephone system provided KAHN with the appropriate admonishments regarding the origin of the call, and the fact that the call was being recorded. KAHN then followed the recorded instructions to accept the call. HINES told KAHN, "Yeah, we tried calling you on Monday, you ain't never answered. I'm waiting on Spank to get off the computer. This one of the Latin Folks, from an I.G." KAHN replied, "Ok, what's up man?" HINES replied, "What's up bro? Hey, did you ever get in contact with Ross?" KAHN responded, "Yeah, you wanted his email right?" HINES responded, "Yeah." KAHN replied, "Alright, take down this email." HINES said, "Hold on, let me grab a pen. Hold on G." After a brief pause, HINES returned to the phone and said, "Alright." KAHN responded, "Alright, it's Roni, R.O.N.I, Dailey, D.A.I.L.E.Y, two thousand fifteen, the numbers, at Gmail dot com." HINES replied, "Alright, let me read this; R.O.N.I.D.A.I.L.E.Y...?" KAHN added, "2015." Affiant is aware that this email address and the alias generally associate to CHRIS ADAMS, one of KAHN's co-conspirators. HINES agreed, and added, "Alright, I got that. Is everything straight though?" KAHN attempted to reply several times, but the connection was broken. HINES said, "I can't hear you Folks." KAHN answered, "You all got my message, right?" HINES replied, "Yeah, everything's straight, we just... man. There's a lot of confusion, you know what I mean?" KAHN agreed, "Right." HINES continued, "If you wanna ask Three, you could ask Three about me, my name's Smoke G. I'm the one down here, as far as for the I.C., right?" KAHN agreed, "Uh huh." HINES continued, "Now we're just trying to get everything situated and straight down here, cause Spank my ni**a, and he about to go home too right? And they was trying to...you know what I mean like, to pull a little slick one." KAHN replied, "Yeah, I already know." HINES continued, "You know, some f***ed up shit. So we just wanted to make sure everything was straight. But everything good out

there though?" KAHN answered, "It's all good. What's your name again?" HINES replied, "Smoke G." KAHN responded, "Alright, I'll let Three know I spoke to you." HINES responded, "Yeah, he's on my email too, so he already knows who I am, and if I ever have any type of..." KAHN interrupted, "Go ahead and send that email request, and we'll get it approved." HINES replied, "Alright, I'm gonna do that right now. But if I ever have any kind of complications or problems, it's gonna be either me or Spank who's gonna hit this number. Ain't nobody else gonna get this line, you feel me?" KAHN replied, "Alright, you can call anytime." HINES responded, "Alright brother, amor," and the call ended.

14. On March 16, 2017, task force members conducted a search within FBI case related data and found that the Sacramento Field Division of the FBI had named ROY KAHN in and investigation into the possibility that CHRISTOPHER ADAMS, and his suspected associate, ROY KAHN, were involved in attempts to introduce narcotics into a federal correctional facility. Federal Bureau of Prisons (BOP) officials had notified the FBI that in September of 2015 an inmate at the United States Prison (USP) Atwater, California, had been placed on administrative detention for the attempted introduction of drugs into their facility. The BOP staff discovered that the contents of a mail parcel, which had been designated as legal mail, had tested positive for the presence of heroin. When asked who had sent the "legal mail" package in question, the inmate claimed that had been sent by his attorney. However, the BOP staff contacted the legal offices whose address was listed as the return address on the package in question, to verify if the inmate had ever been a client of theirs. Representatives of that firm confirmed that there was no record of that inmate having ever been represented by an attorney from their office. Investigators then reviewed telephone and financial records associated with the inmate in question and found that he had been frequently using the inmate telephone system to contact telephone number 954-304-3700.

Public source data indicated that 954-304-3700 is used by CHRIS ADAMS, and that same number had been communicating regularly with other inmates, including inmates at other BOP institutions.

15. Agents then discovered through an internet database search that telephone number 954-304-3700 is also associated with ROY KAHN, at the address of 11950 NW 27th Street, Plantation, Florida. Agents have also learned that ROY KAHN's telephone number 954-294-9581 has been in contact with at least 20 BOP inmates on at least 132 occasions in the year prior to the package seizure described above.

16. On March 24, 2017, ROY KAHN received a telephone call from federal inmate NICHOLAS HINES. The telephone system provided KAHN with the appropriate admonishments regarding the origin of the call, and the fact that the call was being recorded. KAHN then followed the recorded instructions to accept the call. HINES told KAHN, "Man, I was curious, you know Spank left, right?" KAHN agreed, "Ok." HINES continued, "And uh, I really made um, some real shit, I'm trying to get everything straight down here, right? 'Cause he left, he went home. Remember when, I believe I told you about...Three months ago, when I said they had that little vote going on?" KAHN agreed, "Right." HINES continued, "...and then Spank, he was the overseer? Well, before he left, we was trying to get in contact with R, right? About the whole situation because, Spank and Duke was down there with him before, they'd been doin' time with him. And the both believe that when they did that little vote, some bullshit was involved in it, you know what I'm saying? With two of the other brothers. But, of course, if you don't have any proof you really can't say too much about it." KAHN agreed, "Right," and HINES continued, "So, what he wanted to do was sit here and put it back the way it was, once he left. But, since we couldn't get in contact with R, it's pretty much astern right now." (Your Affiant believes that there was some sort of conflict within the group that Smoke G was hoping that KAHN might be able to

resolve). KAHN asked, "What do you want me to tell him?" HINES replied, "Well, what I was gonna ask you is, I'm gonna email that email you gave me, right? That pretty much goes to him, right?" KAHN replied, "Yeah, yes." HINES continued, "Alright, then I'm gonna email that and next time you talk to him, just let him know to at least hit me back on that he can give me some type of input and decision on it." KAHN replied, "Ok, do you want...what about Three? Do you want me to holler at him?" HINES replied, "Yeah see I'm already in tune with Three, right? See, Three f**k with me. Like tough. And I got dudes which R knows real well and I got Spank which R knows real well. Spank is on the street (Spank was released). You can holler at him if you want. All of them want ...as far as it was before that vote...because that vote was pretty much bogus. But, like I said, you couldn't really prove it. And Spank been down with me, I've been down at this spot right here for four years. None of the 'Folks' have been here as long as I have. On both sides, know what I mean? And this shit is like...uh, Spank already knows 'cause he been here in the unit with me. He knows how I rock, he knows how I move bro. I'm real stern. I stand on the business man."⁸ KAHN agreed, "Right," and HINES continued, "I don't be doing no slackin'. No pump fakin. And...there ain't no room for excuses, or any of that. I'm not goin' for none of it. And that's what they got mad about pretty much on the other side." KAHN replied, "Just send me the email and I'll try to get you a resolution." HINES continued, "I appreciate that. Yeah, I sent one to Three already, so I'm just waitin' to hear back from him." KAHN responded, "Right, they're on lock down so, they should be out next week." HINES asked, "Who?" KAHN replied, "Three and...they're all on lock down." HINES responded, "See but that's the thing. I just got something from Three yesterday." KAHN answered, "Yeah, because they're coming out on the

⁸ Based on your Affiant's training and experience in gang related matters, your Affiant believes the use of the word "business" is a reference to the group's efforts to earn a profit through criminal activity.

flex.” HINES replied, “Ok, for that little hour shit?” KAHN answered, “Right.” HINES responded, “Oh see I’m really not gonna hear back from until next week?” KAHN responded, “Well they’re coming out I think, one day the top one day the bottom. Something like that.” HINES responded, “Yeah that’s how they usually do it down here, right. But I mean I got something from him yesterday, he was like is everything good. Sending my love...you know what I mean? I thought he was out. Yeah, that’s all straight man. I’m gonna shoot it then to that one that I got. And, oh, yeah, another thing. Man, n***ers been askin’ to try to get his info, right?” KAHN replied, “Who?” HINES continued, “Yeah, and I ain’t goin’ for that. If he wants me to give it to somebody then...” KAHN’s reply was unintelligible, and HINES replied, “Like, like this ni**er P.R. that’s been down here. And then, deuce on the other side. That’s it.” KAHN responded, “Well, just send him an email and ask him.” HINES responded, “Yeah, he sometimes never answers them. That’s why sometimes I need a result and call you, and then I get an answer back.” KAHN responded, “Right, well, send me that email tomorrow and I’ll take care of it.” HINES responded, “Alright, I appreciate it brother. Are you good out there? Everything straight for you? How are the kids?” KAHN answered, “Yeah, I’m good. Thank you man. You be safe man.” HINES replied, “Yeah man, I am. We’re just chillin’ man. I’ve got three of the brothers here with me. There’s only five of us down here. Well, six, my bad, six.” KAHN replied, “That’s a good thing sometimes.” HINES replied, “Yeah, it’s a good thing. But at the same time, I’m used to like...I’m from Indiana. So when I’m in the state joint...any time I’m in it, there’s usually at least 40 or 50 brothers at each spot, easy.” KAHN agreed, “Right,” and HINES continued, “So it’s a headache, but at the same time, it’s good too.” KAHN replied, “The strength is not in numbers.” HINES agreed, “Oh, bro, man, listen. I was down here, by myself, and then it came to me and another brother, and then it came to just me, and now I got all of ‘em down here. So, I

don't run off no numbers, you hear me? I don't even believe in that." KAHN agreed, "That's a good thing." HINES continued, "I don't even believe in all that. That's what the Sureños (the Sureños street/prison gang) and all of them do. We don't do that." KAHN agreed, "Exactly." HINES added, "Yeah, I'm gonna jump off here. I'm gonna email that to you today bro. Take care man. And, amor, and I'll call you at later time. If you need me to call man, just hit me up." KAHN replied, "Ok, I got you, amor."

17. On March 29, 2017, at approximately 10:59 a.m., Irwin Jose Vargas sent a text message to telephone number 787-452-8359 that read, "Elijah Kahn, 38 se. 11 st., Dania beach, Fl, 33004." Elijah Kahn is KAHN's brother. On March 30, 2016, Miami postal inspectors identified and extracted a package from the mail that was addressed to ELIJAH KAHN, 38 SE. 11th Street, Dania Beach, Florida, 33004. Based upon the information provided by your Affiant and other officers participating in this investigation, Postal Inspectors began the process of accumulating and articulating to the court, probable cause to believe that the package contained the fruits or evidence of criminal activity. On April 4, 2017, a United States Magistrate Judge in the Southern District of Florida signed a warrant giving Postal Inspectors in Broward County, Florida the authority to open and inspect a package that had been sent by unidentified parties in Puerto Rico to ELIJAH KAHN, 38 SE. 11th Street, Dania beach, Florida, 33004. That package contained 120 sublingual strips of prescription medication known as "Suboxone."⁹ The items were taken into evidence and forwarded to Postal Inspectors in Cleveland, Ohio.

18. During the course of the conspiracy, KAHN began to use end-to-end encrypted communications to facilitate his drug trade. For instance, on April 5, 2017, at approximately 5:49

⁹ Suboxone is a Schedule III narcotic known as an "Opioid Antagonist," which is commonly used to medicate patients who are attempting to recover from any form of opioid addiction. On April 10, 2017, your Affiant spoke with investigators at the Federal Correctional Institute in Hazelton, West Virginia, who confirmed that Suboxone strips are very commonly seized from within federal inmate mail packages.

p.m., Irwin Jose Vargas placed a telephone call. During the conversation, Vargas received an incoming call from his girlfriend and co-conspirator Keyra Martinez. When Vargas switched to that incoming call, he greeted Martinez (in Spanish), and Vargas said, "Babe, I'll call... I'll call you back soon. I have Xavi." (the name or nickname of the person with whom he was speaking on the other line) on the other line. I'm on my way." Martinez replied, "No, I was just calling to tell you that I had a missed call from "BRAZIL" (ROY KAHN's nickname) on WhatsApp, so hit him up (call him back)". Vargas replied, "Oh, I already hit him up." Martinez answered, "Oh, ok," and Vargas returned to his other call. Your Affiant believes that ROY KAHN, Irwin Jose Vargas, Keyra Martinez, and others, routinely use WhatsApp to participate in encrypted personal/criminal communication that cannot be monitored by law enforcement. WhatsApp is publically available internet communication application that is known by law enforcement to provide users the means to communicate within an encrypted platform that cannot be monitored by law enforcement or national security entities, even with the appropriate court authority. The WhatsApp website (www.whatsapp.com) provides the following guidance concerning the encryption services associated with their application: *"WhatsApp's end-to-end encryption ensures only you and the person you're communicating with can read what is sent, and nobody in between, not even WhatsApp. Your messages are secured with a lock, and only the recipient and you have the special key needed to unlock and read your message. For added protection, every message you send has a unique lock and key. All of this happens automatically: no need to turn on settings or set up special secret chats to secure your messages. End-to-end encryption is always activated, provided all parties are using the latest version of WhatsApp. There is no way to turn off end-to-end encryption."*

19. On April 12, 2017, at approximately 8:32 p.m., Irwin Jose Vargas received a call from federal inmate Wayne Fabian. Vargas asked Fabian, "What's up, buddy?" Fabian replied, "Well, I'm here, chillin'." Vargas asked, "Is everything ok?" Fabian responded, "I'm just appreciating the fact that, you know, things are good." Vargas asked, "Alright, that's what's important. Hey, uh, the box left today." Fabian responded, "Oh, it left today?" Vargas responded, "Yeah, it left today because yesterday...the...box that I had was too big, and so what was there were a couple of things. And then all of that was going to be banging around inside of that. So I got smaller one." Fabian replied, "Okay, that's better, alright." Vargas continued, "But everything went smoothly. I put in a girdle, the two jars of...of, cremola with the creatine. The pills are inside the coffee." Fabian replied, "Oh. Okay." Vargas added, "And three...three boxes of...three pounds of tobacco. There are three cracker boxes there...where the tobacco is inside." (Your Affiant believes that Vargas and Fabian are discussing Vargas smuggling drugs into the prison through packages of food he is sending to Fabian). Fabian replied, "Okay." Vargas continued, "Listen, and the motion, did you receive it?" Fabian responded, "Yeah, yeah." Vargas replied, "See, I told you. I told the guy. I told him. Hey, tell him not to worry because it's not the book, it's the motion." Fabian answered, "Hey, it's not...you know why I got scared?" Vargas responded, "Why?" Fabian continued, "Because you told me that you were going to send the thing about the dead guys (a funeral announcement)."¹⁰ Vargas replied, "Yeah," and Fabian continued, "Hey, it would be coincidence that the same guard check the mail and see the same dead guy, you know what I mean? (I am concerned that a guard will realize our drug trafficking scheme if he sees another funeral announcement for the same alleged dead person) Shit!" Vargas answered, "Yeah, but...let me tell you. BRAZIL told me the same thing. He told me, I'll wait for Fabian's

¹⁰ The target DTO is known to smuggle narcotics items within packages disguised as funeral announcements.

because I sent something to El Chino (The Chinese guy). So I'll wait to send Fabian's. So I told him it was fine. He told me himself, so that they wouldn't crash." (Your affiant believes that Vargas was notifying Fabian that ROY KAHN intended to send some sort of contraband to Fabian). Fabian affirmed, "Okay." Vargas continued, "Yeah, but that's good that...there were only three, you know what I mean? Because he didn't have, he didn't have a lot. But, isn't it true that that one is better? It has thicker pages?" Fabian agreed, "Yeah, yeah." Vargas continued, "See what I mean?" Fabian replied, "Hey, asshole, but the pages were white, right? And you could see all...all of the liquid." Vargas responded, "Really?" Fabian affirmed, "Yep." Vargas answered, "Okay. But what's important..." Fabian interrupted, "It came like that, you know what I mean? Luckily it came like that, that skimming through it, you know? Anyone could think it's ink or something." Vargas affirmed, "Yeah." Fabian continued, "But, yeah. Maybe that's why they don't like to use white papers. Because it is visible." (Your Affiant believes based on conversations with BOP officials and other evidence that Vargas and Fabian are discussing how KAHN and Vargas' DTO are placing liquefied drugs into paper – specifically legal documents – and then sending them to inmates like Fabian for distribution within BOP facilities). Vargas responded, "No, it's fine. That way is fine because that's over already. And then I included the...the other thing, so it left today. So I figure it'll arrive over there...on Friday. I'll check it to see when they'll get it over there. Be careful with that shit. Well, so everything is gone, so now it'll wait for you, my boy (I sent you the drugs, so now you need to send the money)." Fabian replied, "That...that'll—wait. That didn't come in. He doesn't know anything about that. Hey, uh, what do I have to send to you for those three sheets of paper (how much money will it cost for you to send me the drugs)?" Vargas responded, "Three bucks (three hundred dollars), and then you told me you were going to send me two for the box, so we are up to five in total. When you

get, when you get it.” Fabian agreed, “Yeah,” and Vargas continued, “Hey, and I put the two...I put the two SIM cards, which are from a thing called rock mobile but, they’re Verizon. They’re activated and all, you hear me? What you have to do is call. There’s a number there, and you call, and they have a plan for 30 days. When you activate it, you have 30 days already paid and everything. I paid for those two cards, only 100 bucks, because it was from a store of some Arab buddies of mine who sell those thingies. And they gave me those (I placed two SIM cards in the package for you to use to call me on a contraband phone).” Fabian replied, “One of the...systems came without a chip (one of the phones you sent me earlier did not have a SIM card).” Vargas responded, “Oh, really?” Fabian answered, “Yeah. That’s why I was--that’s why I’m asking you to get some.” Vargas answered, “Oh, no. Well, I sent you two. I sent you two. There are two new ones there, and when you...whoever calls to activate it, can already call it has a number in the back, you call, and right then you have 30 days to work it. 50 bucks each plan. Okay, buddy. Go on, get busy, do your thing, and be careful with that.” Fabian affirmed, “Okay.” Vargas concluded, “That’s it, my brother. Take care, my boy. Love you. Big hug, my brother. Okay, bye.” Fabian said, “Goodbye,” and the call ended. That conversation was originally spoken in Spanish, and the summary of the call is the result of a translation by Spanish language specialists and bilingual investigators.

20. On April 25, 2017, ROY KAHN received a telephone call from federal inmate JASON SAUNDERS. The telephone system provided KAHN with the appropriate admonishments regarding the origin of the call, and the fact that the call was being recorded. KAHN then followed the recorded instructions to accept the call. SAUNDERS told KAHN, “I saw your message.” KAHN replied, “Yeah, I confused it because I had got the message from you yesterday. But no, nobody has called me. But I apologize. I didn’t call that company yet. I didn’t

have time yesterday, but I'm on it. I've just been really busy." SAUNDERS replied, "Alright, you think you'll be able to call them before the 28th?" KAHN answered, "Yeah, I'm gonna definitely call them by tomorrow." SAUNDERS replied, "Alright, this is what I'm fixin' to do. That same place that 15 came from...right? That's where the five gonna be from, you feel me?" KAHN answered, "Okay," and SAUNDERS continued, "I gotta to get on the other side of the compound, so I gotta wait 'til I got to work tomorrow. But that's what I'm fixin' to do. That way, everything is clear. That last two...? That I was supposed to shoot my sister? I'm fixin' to do a BP-199 for that. That's gonna come from my books. You feel me?"¹¹ KAHN responded, "Okay," and SAUNDERS continued, "But still keep your eyes open because that other five...it's gonna land. I don't know what the holdup is, but that's good." (Your Affiant believes that SAUNDERS was reassuring KAHN that some form of payment would arrive soon). KAHN responded, "Alright, are they gonna contact me first?" SAUNDERS replied, "Yeah, they're gonna get at you. I don't know what's goin' on, like for real. They're telling me that somebody....hit you up (contacted you)." KAHN responded, "Well if they did, honestly, they didn't mention your name or anything." SAUNDERS answered, "No, but they didn't know my name, understand?" KAHN responded, "No I understand that but, I'm gonna be honest with you. I don't recall it." Several moments later, KAHN told SAUNDERS, "Hold on for a second..." then apparently gave the phone to DANNY RODRIGUEZ, who greeted SAUNDERS with, "Tighten that shit up n***er, tighten it up!" SAUNDERS appeared surprised and pleased to be speaking with RODRIGUEZ, and replied, "What's up n***er!? N***er, what's up!? How you doin' man?" RODRIGUEZ and SAUNDERS continued greeting each other speaking about personal things for several minutes.

¹¹ Investigation to date indicates that inmates within the target organization are using their personal accounts at the institution to pay their drug debts. Your Affiant has confirmed with BOP officials that a "BP-199" is a form that inmates use to request that some of the funds on his account be sent in the form of a U.S Treasury check to person that they identify.

At one point, SAUNDERS asked RODRIGUEZ, "Hey, are you f**king with the ticket?" RODRIGUEZ exclaimed in response, "Am I!" SAUNDERS laughed and replied, "I know that's right!" (Your Affiant believes that SAUNDERS was asking RODRIGUEZ if RODRIGUEZ was making money selling drugs, and RODRIGUEZ replied that he was). Eventually RODRIGUEZ told SAUNDERS, "Hey, when you get out homie, I got Fat Boy lined up for you. I'm gonna hook you up with Fat Boy." (Based upon your Affiant's experience, and the results of this investigation to date, your Affiant believes that RODRIGUEZ was assuring SAUNDERS that when SAUNDERS is released from prison, RODRIGUEZ is going to introduce SAUNDERS to someone known as Fat Boy, who will be able to provide SAUNDERS with drugs to sell). SAUNDERS replied, "Hey, listen. Listen to me. Dog... I got something for you. Listen, if that's what you're trying to do, I got somebody. Listen, he's just as raw as me dog. I promise bro, and he's already out. He just needs some help bro." (Your Affiant believes that SAUNDERS was explaining to RODRIGUEZ that SAUNDERS had a friend who has been released from prison, who is looking for someone to supply him with drugs). RODRIGUEZ replied, "Tell him to call BRAZIL (KAHN)." RODRIGUEZ asked SAUNDERS where his associate lives and SAUNDERS replied, "He's from New Orleans, he's rawer than me dog!" RODRIGUEZ then repeated, "Tell him to call BRAZIL." SAUNDERS continued to assure RODRIGUEZ that RODRIGUEZ should feel comfortable participating in drug transactions with SAUNDERS' friend, telling RODRIGUEZ, "He just got out of prison, he ain't got no connects (he doesn't have any reliable supply for drugs)." RODRIGUEZ assured SAUNDERS that he (and KAHN) were able to supply SAUNDERS' friend with drugs, telling SAUNDERS, "...we got the lick out here!" SAUNDERS agreed, "I know that's right!" SAUNDERS then asked RODRIGUEZ if RODRIGUEZ recalled a mutual associate known as "Mike Mike." RODRIGUEZ replied that he

did remember Mike Mike, and SAUNDERS told RODRIGUEZ that Mike Mike had asked him, "Hey, do you know Ra Ra?",¹² and SAUNDERS replied, "Yeah that's my brother n***er!" RODRIGUEZ then told SAUNDERS that he had to go, and asked, "Do you got a pen?" SAUNDERS replied that he did, and RODRIGUEZ gave him his phone number.

21. On May 16, 2017, agents from the Cleveland, Ohio office of the FBI spoke with agents from the office of Homeland Security Investigations (HSI) in Miami, Florida concerning ROY KAHN. Investigators from several agencies of the Department of Homeland Security (DHS) are currently investigating their suspicions that ROY KAHN and others are part of a group directing an international prostitution operation. Agents have discovered travel and financial documentation associated with KAHN and others which indicates that KAHN is facilitating the travel of various women to the United States from various other countries, who remain in the U.S. for a finite period of time. Agents believe that, during that time, KAHN establishes contact between those women and prostitution customers in a variety of U.S. cities, then facilitates the travel of those women to and from those cities to perform prostitution services. Your Affiant and fellow drug investigators involved in the investigation of the DTO have since begun coordinating with HSI agents to synchronize the investigative strategies of the two investigations.

22. On May 19, 2017, your Affiant spoke with BOP investigators who confirmed that on 9 occasions between May 2, 2017 and May 9, 2017, BOP inmates used inmate telephone systems to contact ROY KAHN. This is in spite of the fact that KAHN is believed to be in Brazil. After receiving a subpoena for the content of those calls, BOP officers reviewed one of those calls

¹² Based upon Miami FBI's coordination with BOP investigators, it has been determined that "RA RA" is a nickname known to be used by DANNY RODRIGUEZ. It appears that SAUNDERS was explaining to RODRIGUEZ that a mutual associate had asked about RODRIGUEZ referring to RODRIGUEZ using that nickname. Therefore, your Affiant and fellow investigators have concluded that KAHN had given the phone to RODRIGUEZ to speak to SAUNDERS. That conclusion was then reinforced by the fact that RODRIGUEZ gave SAUNDERS a telephone number that has been associated with RODRIGUEZ during other aspects of the investigation.

and confirmed that during one call, KAHN and the inmate had confirmed that “a package had arrived.” Technical and cyber investigators of the FBI have since confirmed that Kahn uses a “smart phone” which is capable of using downloadable web applications that allow a cellular telephone user to access wireless internet ports to communicate with traditional telephone end users in the U.S. Those communications may not activate the systems of the service provider (T-Mobile in this case). Some of that activity did register on the pen register device installed within T-Mobile cellular systems others did not.

23. On June 5, 2017, federal inmate JAMIL SPEED, an inmate at FCI Big Sandy, New York, used the inmate telephone system to contact ROY KAHN. (SPEED identified himself using the nickname “Six Four.”) KAHN accepted the call, and after the two parties exchanged greetings, KAHN asked SPEED, “Did you get that letter out last night?” SPEED replied, “Nah, I gotta get some stamps for it.” KAHN replied, “Well, get the stamps!” SPEED responded, “Yeah, I got you.” Later in the conversation, KAHN reminded SPEED, “...I’m waiting to hear from you man. I’d like to hear what you have to say.” SPEED replied, “Yeah, yeah. You’re gonna love it.” KAHN responded, “Alright, get with me, and I’m gonna make sure I put some money on your books.” SPEED continued, “Alright, when do you think you’ll be able to f**k with me? (When will you be able to send me drugs to sell)?” KAHN replied, “Any day now, man.” SPEED responded, “Alright, I got you.” KAHN replied, “Alright well I’m gonna get on top of it. I got back last week (from Brazil) and I’ve been kinda getting back into the swing of things, but I’m ready to go now.” SPEED responded, “Alright, it’s kinda hard for me to move around with the little...As far as reaching out, you know what I’m saying?” KAHN replied, “Just do your best.” SPEED agreed, “Yeah, yeah. That’s why I’m not really calling out here with these tapes, because them little funds ain’t really right this second, but I’m on you. You know, me and Triple, right?”

KAHN agreed, "Okay." SPEED added, "I definitely need to get in the store though man, so f**k with me if you can, baby. (I need to make some money, so send me drugs to sell)." KAHN responded, "I got you, man." The two parties exchanged salutations and the call ended. Your Affiant believes that Speed owed KAHN money, and that KAHN was encouraging SPEED to send the money as soon as possible. It is also believed that SPEED was encouraging KAHN to send SPEED drugs that SPEED could sell to other inmates.

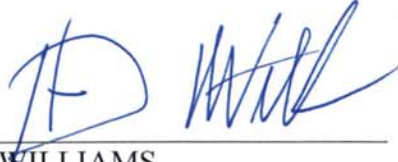
24. On June 13, 2017, federal inmate JIMMY HARRIS, an inmate at FCI Jessup, Georgia, used the inmate telephone system to contact ROY KAHN. During the recorded greeting portion of the call, HARRIS identified himself by name. KAHN accepted the call, and after the two parties exchanged greetings, HARRIS told KAHN, "I was checking, I had received the ...what you call it, like Friday." KAHN replied, "Ok, cool." HARRIS continued, "It was a book..." KAHN interrupted, "You know I put a little extra...I put, uh, a little extra money in your account this time." HARRIS responded, "So, I was trying to ask, right?" KAHN continued, "It's actually, it's double the amount that I usually put on your books." HARRIS replied, "Oh ok. So, they was in the front or the back? (The pages with the drugs saturated into them were in the front or the back of the book?)." KAHN replied, "The back." HARRIS continued, "Oh, ok. So you're saying the last eight? (So the last eight pages have drugs in them?)" KAHN hesitated, then answered, "Ten." HARRIS continued, "Oh, ok." KAHN continued, "What happened was, essentially, I had the math wrong on one area, you know? On the money that...that I sent, to your family. So it's actually an extra six. But don't worry. We'll figure it out." (Your Affiant believes that KAHN is sending HARRIS' portion of the drug proceeds to associates or relatives of HARRIS). HARRIS replied, "I was gonna hit 'em up and tell 'em to go ahead and take care of it though." KAHN stated, "Alright, well I'm going to be out of town for a week. So, either way there ain't no rush. If she

has ‘em contact me because either way it takes that amount of time anyway.” The two parties then exchanged salutations and the call ended. Your Affiant believes that HARRIS and KAHN were exchanging details concerning; (a) money that KAHN routinely passes to HARRIS as payment for his participation in the DTO, as well as money that a female associate of HARRIS’ was planning to deliver to KAHN, possibly as payment for drugs which HARRIS had sold inside the penitentiary; and (b) a drug package which HARRIS had received from KAHN, and for which HARRIS needed specific guidance to accurately locate which of the pages within the booklet had actually been saturated in narcotics.

25. Law enforcement has also intercepted numerous packages from the KAHN DTO to inmates in BOP facilities as well as searched one of the clandestine labs used to produce the contraband mailings. Through these efforts and other investigative steps, law enforcement estimates that the DTO was distributing approximately one kilogram a week (split up into numerous mailings) of controlled substances into BOP facilities from January 2015 onwards.

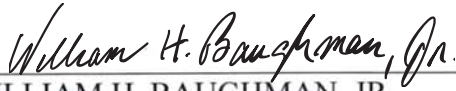
26. Law enforcement has also learned from multiple sources that KAHN travels outside of Brazil, including to the United States, using counterfeit passports and assumed identities.

27. For the foregoing reasons, Affiant respectfully submits that there is probable cause that ROY KAHN, a.k.a. BRAZIL committed the following federal offenses: Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances and Controlled Substance Analogues, in violation of 21 U.S.C. §§ 846 and 841(a)(1).



H. DOUGLAS WILLIAMS
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

SUBSCRIBED AND SWORN TO ME THIS 30th DAY OF MARCH, 2018 VIA
TELEPHONE AFTER SUBMISSION BY
RELIABLE ELECTRONIC MEANS. FED. R. CRIM. P. 4.1; 41(D)(3).



WILLIAM H. BAUGHMAN, JR.
U. S. MAGISTRATE JUDGE

